

**CALFEE****RECEIVED  
CENTRAL FAX CENTER****JAN 24 2006****Date:** January 24, 2006**To:** USPTO**Fax Number:** 571-273-8300**Send Only to the Above Fax Number:** x**Confirmation Phone Number:****From:** Diane H. Dobrea**Direct Dial Phone Number:** 216.622.8485**Client Number:** 19427 **Matter Number:** 04336 **Client Name:****Number of Pages:** 6**Facsimile Cover**

Calfee, Halter &amp; Griswold LLP

1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, Ohio 44114-2688  
216.622.8200 Phone  
216.241.0816 Fax1100 Fifth Third Center  
21 East Starc Street  
Columbus, Ohio 43215-4243  
614.621.1500 Phone  
614.621.0010 Fax  
[www.calfee.com](http://www.calfee.com)**Message:**

This facsimile transmission contains confidential and/or legally privileged information from the law firm of Calfee, Halter & Griswold LLP intended only for the use of the individual(s) named on the transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the documents to us at no cost to you.

If there is a problem with this transmission, please contact the Fax Department at: 216.622.8426, 216.622.8427, or 216.622.8428. Facsimiles can be received 24 hours per day, 7 days a week at 216.241.0816. Thank You.

**Fax Operator's Initials:****Sent By:** *JM***Time:** *2:22***Logged By:** \_\_\_\_\_**Time:** \_\_\_\_\_

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on January 24, 2006, this correspondence is being transmitted via facsimile to the USPTO, Facsimile No.: (571) 273-8300, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name of person signing this certificate: Neve Simpson

Signed: Neve Simpson

Customer Number

24024

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	)	11/057,563	Confirmation No. 5039
Filed	)	February 14, 2005	
Continuation of:	)		
Parent Appl. No.	)	09/779,799	Parent Confirmation No. 6570
Applicant	)	Avinger, et al.	
TC/A.U.	)	3632	Examiner Ko Hung Chan
For.	)	<b>ADJUSTABLE WREATH HANGER</b>	
Docket No.	)	19427/04336	
Customer No.	)	24024	

**RECEIVED  
CENTRAL FAX CENTER****JAN 24 2006**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Transmitted herewith are the following:

- 1) Information Disclosure Statement and Form 1449;

It is believed that no further fee is required relating to the filing of this Information Disclosure Statement. If any fees are due or any overpayments have been made please charge or credit our Deposit Account No. 03-0172 accordingly.

Date: Jan. 24, 2006

Respectfully submitted,

Diane H. Dobrea  
Diane H. Dobrea, Reg. No. 48,578  
(216) 622-8485  
Customer Number 24024

{DJS0207.DOC;1}

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on January 24, 2006, this correspondence is being transmitted via facsimile to the USPTO, Facsimile No.: (671) 273-8300, addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name of person signing this certificate:

*Alice Simpson*Signed: *Alice Simpson*

Customer Number

24024

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	)	11/057,563	Confirmation No. 5039
Filed	)	February 14, 2005	
Continuation of:	)		
Parent Appl. No.	)	09/779,799	Parent Confirmation No. 6570
Applicant	)	Avinger, et al.	
TC/A.U.	)	3632	Examiner Ko Hung Chan
For.	)	<b>ADJUSTABLE WREATH HANGER</b>	
Docket No.	)	19427/04336	
Customer No.	)	24024	

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
**CENTRAL FAX CENTER**  
**JAN 24 2006**

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B forms and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

**FOREIGN LANGUAGE DOCUMENTS**

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication

01/25/2006 YPOLITE1 00000130 030172 11057563

{DJ80208.DOC;1}1

01 FC:1806 180.00 DA

INFORMATION DISCLOSURE STATEMENT  
Appln. No. 11/057,563

Attorney Docket No. 19427/04336

from a foreign patent office in a counterpart application citing such documents, together with an English-language version of that portion of the Communication indicating the degree of relevance found by the foreign patent office.

- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations:
- ☐ Complete English translations of foreign language documents are being submitted herewith, and therefore no concise explanation for such documents is required.

**CERTIFICATION AND FEE PAYMENT INFORMATION**

- ☐ The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination under 37 C.F.R. § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to Deposit Account No. 030172.
- ☐ The present Information Disclosure Statement is being filed thirty days or fewer from a Communication from a foreign patent office and Applicant submits the following Statement Under 37 C.F.R. § 1.704(d). Each item of information contained in the Information Disclosure Statement was cited in a Communication from a foreign patent office in a counterpart application and this Communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☐ The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant submits the following Statement under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to Deposit Account No. 030172.
- ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than

{DJS0208.DOC;1}2

INFORMATION DISCLOSURE STATEMENT  
Appln. No. 11/057,563

Attorney Docket No. 19427/04336

three months prior to the filing of this statement.

- ☒ The present Information Disclosure Statement is being filed (without a Statement under 37 C.F.R. § 1.97(e)) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier). Accordingly, Applicant submits the fee required under 37 C.F.R. § 1.17(p). The fee is being paid in the following manner:

- ☐ A check is attached in the amount of \$\_\_\_\_\_ as required under 37 § 1.17(p).  
☒ The patent office is hereby authorized to charge the amount of \$180.00 and any related fee to **Deposit Account No. 030172**.

- ☐ The present Information Disclosure Statement is being filed after the mailing of a final Office Action, Notice of Allowance or an action that otherwise closes prosecution in the application, but on or before the payment of the issue fee. Accordingly, Applicant submits the following Statement under 37 C.F.R. § 1.97(e) along with the fee required under 37 C.F.R. § 1.17(p).

- ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.  
☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

AND, the fee is being paid in the following manner:

- ☐ A check is attached in the amount of \$\_\_\_\_\_ as required under 37 § 1.17(p).  
☐ The patent office is hereby authorized to charge the amount of \$180.00 and any related fee to **Deposit Account No. 030172**.  
☒ **Although no fees are believed to be due, please charge any fee deficiencies and credit any overpayments to Deposit Account No. 03-0172.**

Respectfully submitted,

Date: Jan 24, 2006By: 

Diane H. Dobrea, Reg. No. 48,578  
Customer Number 24024  
(216) 622-8485

{DJS0202.DOC,1}3

PTO/SB/08A (07-05)

Approved for use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	11/057,563
Filing Date	February 14, 2005
First Named Inventor	Avinger
Art Unit	3632
Examiner Name	Ko Hung Chan
Attorney Docket Number	19427/04336

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 1,474,660	11-20-1923	White	
		US- 3,664,626	05-23-1972	Sneller	
		US- 4,387,873	06-14-1983	Pevlo	
		US- 4,709,891	12-01-1987	Barnall	
		US- 5,368,267	11-29-1994	Howard	
		US- 5,487,517	01-30-1998	Smith	
		US- 5,738,319	04-14-1998	Grassi	
		US- 5,950,337	09-14-1999	Lehrman	
		US- 6,302,365	10-16-2001	Catanzarite	
		US- 6,311,851	11-06-2001	Knudsen	
		US- 6,364,280	04-02-2002	Lorincz	
		US- 6,378,827	04-30-2002	Kacines	
		US- 6,575,416	06-10-2003	Avinger	
		US- 6,663,069	12-16-2003	Norberg	
		US- 6,848,660	02-01-2005	Jackson	
		US- 6,854,610	02-16-2005	Adams	
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>2</sup> Number <sup>3</sup> Kind Code <sup>4</sup> (if known)			

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.